

Minutes Egremont Bylaw Review Committee
October 13, 2021

In attendance:

Mary McGurn, (MM) Chairwoman
Bob Sandor, (BS)
Richard Slutzky, (RS)
Eileen Vining (EV)
Lucinda Vermeulen (LV), guest

Chairwoman MM called the meeting to order at 4:03pm via Zoom; attending committee members were introduced.

Minutes of September 30, 2021 Bylaw Review Committee meeting were approved.

Bylaw Review Committee report for All Boards Meeting November 2, 2021

MM will update from the previous All Boards Meeting report and share a draft at the next meeting.

Bylaw 14 Animal Control

Members approved 14.1.9 as written in EV's draft and further amended by RA:

14.1.9 An owner or keeper of a dog deemed to be a nuisance dog by the Selectboard in accordance with MGL c. 140 s. 157 who fails to take remedial action which ends that nuisance behavior shall be fined \$50 for each offense. After three offenses, the penalties in MGL c. 40 s. 157A may apply.

Members approved 14.1.x as proposed by EV:

14.1.x This Bylaw 14 shall be enforced by the Animal Control Officer. In the absence of the Animal Control Officer, the Police Chief or other person designated by the Selectboard may act. Whenever a written complaint is filed under MGL Chapter 140 Section 157 that a dog is a nuisance dog or a dangerous dog, the Selectboard shall act as hearing authority.

Members approved Bylaw 14.1x as proposed by EV. For the purposes of these minutes, this section is referred to as 14.1.xx:

14.1.xx Any person may file a complaint in writing to the Selectboard as hearing authority that a dog is a nuisance dog or a dangerous dog, in accordance with MGL Chapter 140 Section 157.

Members approved Section 14.1.10 as proposed by MM:

14.1.10 Any owner or keeper whose dog is found by the Animal Control Officer to have defecated on private property other than that of its owner or keeper, or on public property and has not removed it shall be fined \$25 for the first offense and \$50 for any subsequent offense. This section shall not apply to a guide dog for vision-impaired or service dog accompanying any person with a disability preventing them from such removal.

Proposals for Section 14.1.11 and 14.1.12 regarding chaining and tethering dogs and animal cruelty were not approved, both subjects being covered by MGL Title XX, Section 174E and Chapter 272, Section 77, respectively.

Bylaw 14 now reads as follows:

Animal Control

14.1. This Bylaw 14 shall be enforced by the Animal Control Officer. In the absence of the Animal Control Officer, the Police Chief or other person designated by the Selectboard may act. Whenever a written complaint is filed under MGL Chapter 140 Section 157 that a dog is a nuisance dog or a dangerous dog, the Selectboard shall act as hearing authority.

14.2 Every dog six months of age or older kept in the Town of Egremont for more than 30 days shall be licensed by the Egremont Town Clerk in accordance with MGL Chapter 140 Section 137. The licensing period shall be from April 1 to March 31. Any dog kept in the town for more than 30 days that is duly licensed in another municipality shall obtain an Egremont dog license at no cost for the remainder of the current licensing period. The Town Clerk may provide up to a 3-year license when proof of a 3-year rabies vaccination is submitted. An owner or keeper who fails to license a dog shall be subject to a fine of \$50 in addition to the licensing fee.

14.3 All dogs, licensed or unlicensed, must be leashed when on public property within the Town. This includes town roads and French Park, except for the Dog Park. No owner or keeper shall permit a dog to go beyond the confines of the owner's or keeper's property without being leashed. Leashed dogs must be accompanied by a person of adequate age and ability to properly control its actions. A dog engaged in working, hunting, field trials or training purposes is exempt for the period of time it is actually engaged in the event or sport and provided it is under the direct supervision of a person capable of controlling its actions. Violations of this section shall be subject to a warning for the first offense and \$25 for each additional offense.

14.4 Any owner or keeper whose dog is found by the Animal Control Officer to have defecated on private property other than that of its owner or keeper or on public property and has not removed it shall be fined \$25 for the first offense and \$50 for any subsequent offense. This section shall not apply to a guide dog for vision-impaired or service dog accompanying any person with a disability preventing them from such removal.

14.5 After one or more offenses of Section 14.3 , 14.4 or 14.8, the Selectboard may file a complaint in District court and the penalties of MGL Chapter 140, Section 173A shall apply.

14.6 The Animal Control Officer, and in their absence, a police officer, may issue to the owner or keeper of a dog a temporary muzzling and/or restraining order if such an officer determines that the dog has either (1) without justification attacked a person or domestic animal causing physical injury or death or (2) behaved in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal. Such restraining order shall be in conformity with MGL Chapter 140 Section 157 (4)(c)(i), (ii), and (iii).The temporary order shall remain in effect until a hearing is held in accordance with MGL Chapter 140, Section 157 or until 14 days have passed without a complaint for such hearing having been filed. Violation of such temporary muzzling and/or restraining order shall be subject to a fine of \$100 for the first offense and \$200 for any subsequent offense.

14.7 Any person may file a complaint in writing to the Selectboard as hearing authority that a dog is a nuisance dog or a dangerous dog, in accordance with MGL Chapter 140 Section 157.

14.8 An owner or keeper of a dog deemed to be a nuisance dog by the Selectboard in accordance with MGL Chapter 140 Section 157 who fails to take remedial action which ends that nuisance behavior shall be fined \$50 for each offense. After three offenses, the penalties in MGL Chapter 140 Section 157A may apply.

The Committee agreed to incorporate the full text of Bylaw 14 so that we could review at our next meeting before adding the proposed Bylaw 14 to our consolidated report.

Upon motion to adjourn, the meeting adjourned at 5:56pm.

Respectfully submitted,

Richard Slutzky

